

Notice of Allowability

Application No.

10/021,574

Examiner

Juan D. Valentin II

Applicant(s)

BRASS, JACK

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Amendment 06/23/2006.
2. ☒ The allowed claim(s) is/are 41-43 and 50-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. The supplemental amendment submitted 06/23/2006 has been entered.

Allowable Subject Matter

2. Claims 41-43 & 50-68 are allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 41, the prior art fails to disclose or make obvious “activating at least one LED in a handheld housing having an open end through which the radiation emits radiation, a substantial portion of the wavelength of radiation emitted from the at least one LED falling within a range from 395 to 415 nanometers, different from the fluorescent leak detection dye absorption peak wavelength” and in combination with the other recited limitations of claim 41.

Claims 42, 61, 62, 63, & 64 are allowed by virtue of dependency on the allowed claim 41.

Regarding claim 43, the prior art fails to disclose or make obvious “wherein a substantial portion of the wavelength of radiation emitted from the at least one LED falls within a range from 395 to 415 nanometers, different from the fluorescent leak detection material absorption peak wavelength” and in combination with the other recited limitations of claim 43. Claims 57, 58, 59, & 60 are allowed by virtue of dependency on the allowed claim 43.

Regarding claim 50, the prior art fails to disclose or make obvious “activating at least one LED in a handheld housing having an open end through which the radiation emits radiation, a substantial portion of the wavelength of radiation emitted from the at least one LED falling

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within a range from 395 to 415 nanometers, unmatched to the fluorescent leak detection dye absorption peak wavelength” and in combination with the other recited limitations of claim 50.

Claims 51, 65, 66, 67, 68 are allowed by virtue of dependency on the allowed claim 50.

Regarding claim 52, the prior art fails to disclose or make obvious “wherein a substantial portion of the wavelength of radiation emitted from the at least one LED falls within a range from 395 to 415 nanometers, unmatched to the fluorescent leak detection material absorption peak wavelength” and in combination with the other recited limitations of claim 52. Claims 53, 54, 55, & 56 are allowed by virtue of dependency on the allowed claim 52.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

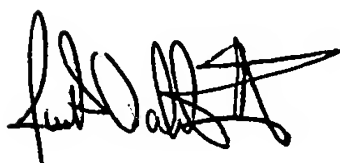
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D. Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on Mon.-Fri..

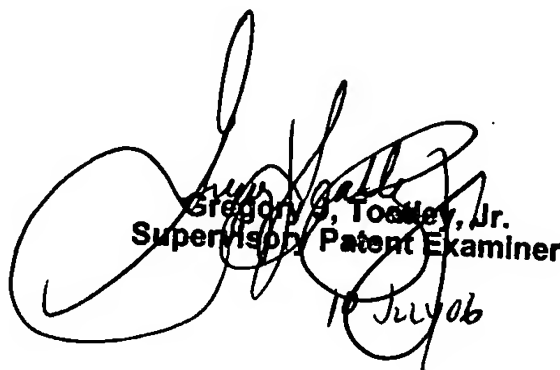
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Juan D Valentin II
Examiner 2877
JDV
June 23, 2006



Gregory S. Tootley, Jr.
Supervisory Patent Examiner
10 July 06